IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 5212 of 2005

Between:

M/s. Krishnappa Minerals, 1/125, Near Railway Station,
Krishnappa Nagar, Kadapa, Rep by its Managing Partner,
Shri A. Anja

..... PETITIONER

AND

1 The Deputy Commercial Tax Officer-I(FAC), Kadapa.
2 The Commercial Tax Officer No. I, Kadapa.
3 Additional Commissioner (CT) Legal, A.P., Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ of Mandamus or any other appropriate writ or order or direction declaring the action of the 1st Respondent in issuing the proceedings of inventory of the Attached Property in Form No. 2 dated
11-3-2005 in attaching the Tipper vide No. AP 04 T 4499 when pending appeals and stay applications of the petitioner before the appellate authorities and the 1st respondent did not follow the due process of law in issuing the Proceedings as illegal, arbitrary and contrary to law and against weight of evidence and in violation of principles of natural justice consequently direct the 1st respondent to release the Vehicle (Tipper), bearing No. AP 04 T 4499 pending appeals and stay applications

before the appellate authorities.

Counsel for the Petitioner:MR.M.V.PAVAN KUMAR

Counsel for the Respondent No.: GP FOR COMMERCIAL TAX

The Court at the stage of admission made the following:

O R D E R:

Heard the learned counsel for the petitioner and learned Government Pleader for respondents.

2. Pending appeal before the appellate authority, there shall be stay of recovery of the disputed tax, on condition of the petitioner depositing 50% of the disputed tax before the assessing authority, within a period of four weeks from the date of receipt of a copy of this order. On such deposit, the vehicle bearing No.A.P.04 T 4499 of the petitioner shall be released.

3. The writ petition is disposed of. No order as to costs.

_____

(G.BIKSHAPATHY, J)

_____

(P.S.NARAYANA, J)

Dated 30th March, 2005.

mrb

To

1 The Deputy Commercial Tax Officer-I(FAC), Kadapa.
2 The Commercial Tax Officer No. I, Kadapa.
3 The Additional Commissioner (CT) Legal, A.P., Hyderabad.

4. Two CCs to GP for Commercial Tax, High Court Buildings,

Hyderbad(OUT).

5. Two CD copies.